

Translation

PATENT COOPERATION TREATY

PCT/AT2003/000246



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 39 681	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPBA/416)	
International application No. PCT/AT2003/000246	International filing date (day/month/year) 26 August 2003 (26.08.2003)	Priority date (day/month/year) 26 August 2002 (26.08.2002)
International Patent Classification (IPC) or national classification and IPC B01D 11/04, B01J 19/18		
Applicant NATEX PROZESSTECHNOLOGIE GESMBH		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

- This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 28 February 2004 (28.02.2004)	Date of completion of this report 14 December 2004 (14.12.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

Form PCT/IPBA/409 (cover sheet) (July 1998)

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International application No.

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I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages 1-6, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages 1-8, filed with the letter of 09 September 2004 (09.09.2004)
- ☒ the drawings:
 pages 1/1, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
 These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-8	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-8	NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following document:

D1: SU 512 772 A (PLAVNIK VP) 5 May 1976 (1976-05-05)
Derwent Access Number 19977-07044Y - SU512772 A
19760531 DW 197704.

1 The application concerns a method for extracting ingredients and a device for carrying out the method.

2 INVENTIVE STEP - PCT ARTICLE 33(3)

The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 1-8 does not involve an inventive step within the meaning of PCT Article 33(3).

2.1 The subject matter of claim 1 differs from the closest prior art, document D1, in that the surface of the thin film is impinged upon in the counter-current and compressed liquid gases are used as extraction agent.

The problem to be solved by the present invention is therefore understood to be that of providing a method according to which ingredients are efficiently extracted

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from fluids or solid dispersions, that is to say, using the most suitable extraction agent and an efficient fluid stream guidance.

2.2 The subject matter of claim 3 differs from the closest prior art, document D1, in that the input opening (14) and the input opening (16) discharge into the reactor at opposite sides thereof and in that there are two output openings (15, 17).

The problem to be solved by the present invention is therefore understood to be that of providing a device wherein ingredients are efficiently extracted from fluids or solid dispersions, that is to say, using the efficient fluid stream guidance.

2.3 The solution to this problem proposed in claims 1 and 3 of the present application does not involve an inventive step (PCT Article 33(3)). The reasons are as follows:

The features

- "the surface of the thin film is impinged upon in the counter-current and compressed liquid gases are used as extraction agent"; and
- "the input opening (14) and the input opening (16) discharge into the reactor at opposite sides thereof; there are two output openings (15, 17)";

are only some of several obvious possibilities from which a person skilled in the art would choose according to the circumstances in order to solve the problem of interest, without thereby being inventive.

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3 Claims 2 and 4-8

... Dependent claims 2 and 4-8 appear to contain no additional features which, combined with the features of any claim to which they refer, could lead to a subject matter involving an inventive step.

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